

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 UNITED STATES OF AMERICA,
5 Plaintiff,
6 v.
7 CHARLES STEWART,
8 Defendant.

Case No. 2:16-cr-0275-APG-PAL

**ORDER DENYING MOTION TO
ENFORCE ORDER**

(ECF No. 30)

9
10 Defendant Charles Stewart filed a "Motion to Enforce Order" seeking to have me order
11 him transferred to federal custody to serve his sentence. ECF No. 30. As the Government points
12 out, I lack the authority to do so. *See* ECF No. 32. "Once the district court has discharged its
13 sentencing function, the defendant is committed to the custody of the [Bureau of Prisons], which
14 has the authority to . . . designate the facility for service of such sentences." *Reynolds v. Thomas*,
15 603 F.3d 1144, 1149 (9th Cir. 2010) (citing 18 U.S.C. § 3621(b) *abrogated on other grounds by*
16 *Setser v United States*, 566 U.S. 231 (2012)). By the plain language of 18 U.S.C. § 3621(b), the
17 facility designated by the Bureau of Prisons may include a state-run facility. Thus, I have no
18 authority to enter the relief Stewart requests.

19 Dated: February 19, 2019.

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21 
22 ANDREW P. GORDON
23 UNITED STATES DISTRICT JUDGE